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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DALLAS BUYERS CLUB, LLC,

Plaintiff,

v.

JOHN HUSZAR

Defendants.

Case No.: **3:15-cv-0907-AC**

DECLARATION OF KIREN
ROCKENSTEIN IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

FRCP 56

I, Kiren Rockenstein, declare as follows:

1. I am an attorney licensed to practice law within the States of California and Oregon. I am also admitted to several district courts.
2. I am co-counsel of record for Defendant John Huszar (“Defendant”).
3. During discovery, we requested the depository copy of Dallas Buyers Club (DBC) (Defendant’s Requests for Production, Second Requests (#19)), but it was never produced.
4. Carl Crowell, former counsel for Plaintiff, provided to Defendant’s counsel a double disc set containing the BlueRay and DVD general release versions of DBC.
5. A true and correct copy of the case for the double disc set is attached as Exhibit 1.
6. The double disc set appears to have been released well after the theatre release of DBC. This is consistent with the January 9, 2018 deposition testimony of Michael Wickstrom, the principal with Voltage Pictures, the production company associated with DBC (Exhibit 2),

“Q. Well, when was the DVD released, Mr. Wickstrom?

A. Months after the theatrical and VOD [Video On Demand].”

(p49:14-15)

7. The back cover of the cover describes various “Bonus Features” including “deleted scenes” and “a look inside *Dallas Buyers Club*” which strongly suggests that the DVD release is different from the theatre release of DBC, the subject work of the PA0001873195 copyright. This is consistent with the January 9, 2018 deposition testimony of Mr. Wickstrom:

“Q. Does the theatrical release have the exact same content that's on the DVD release; yes or no?

THE WITNESS: The theatrical release is the same version that you get on the home video, but some home videos have the outtakes. They have a commercial for other releases through Universal.”

(p47:15-21)

8. Private Investigator Linda Vorrath was employed by our law firm to review and compare versions of the DBC movie available on YouTube and Netflix, and the DVD release.

9. Attached as Exhibit 3 is a true and correct copy of the report prepared by Ms. Vorrath. The reports notes several differences between the versions of DBC, including the presence or absence of the FBI Anti-Piracy Warning, the “R” Motion Picture rating, and the extent of the previews on the different version.
10. The FBI Anti-Piracy Warning was present only on the DVD version, not the YouTube and Netflix versions. This is inconsistent with the January 9, 2018 deposition testimony of Mr. Wickstrom,

“The same FBI warning is on the film as on the DVD and which is on the VOD”. (p48:8-9)

I swear under the penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on: February 27, 2018



Kiren Rockenstein
Declarant